

UNITED NATIONS
Department of Public Information
Press and Publications Division
United Nations, N. Y.

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Not to be published or
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2:30 P.M. (PDT)
Saturday, 25 June 1955

Press Release SG/428
24 June 1955

ADDRESS BY SECRETARY-GENERAL DAG HAMMARSKJOLD

AT UNIVERSITY OF CALIFORNIA UNITED NATIONS

CONVOCATION, BERKELEY, SATURDAY, 25 JUNE 1955

In this week of commemoration, the representatives of governments have renewed the pledge of their nations to support the joint efforts of the Member States to develop, through the United Nations, international cooperation for the purposes common to all peoples, which we find stated in the Charter.

On this occasion, now that we have listened to the pronouncements of national spokesmen, it may perhaps be appropriate for me, as spokesman for those who work in the Secretariat of the Organization, to tell you about its problems, as they present themselves to the international civil servant. Not political questions, but current operations inside the United Nations which are somewhat obscured from public view, but are as essential to the life and well-being of an international organism as the pulsation of the blood to the living body.

When a new social organism is created, we give it a constitution. Inside the framework of that constitution, the first vital urges begin to stir, but as its life develops towards fullness the constitution is adjusted, so to say from within, to new and changing needs which even the wisest legislator and statesman could only partly foresee. In this process, which gives life and substance to the written word, a point is sooner or later reached when legislators find that they should take stock of the situation. They develop theories, which in turn influence our actions and lead, perhaps, finally to a review or revision of the written constitution. In national life and in the life of communities, of corporations and associations, we all know this sequence of events. A similar development is also taking place inside the United Nations. It must be so if the Organization is to remain a living and growing organism.

Western constitutional thinking has developed the theory that a balance of power must be maintained between the executive, the judicial and the legislative functions of government. This theory provides us with a kind of rule of thumb in analyzing the specific character of a national constitution. But it also has an

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important influence on our whole concept of government and on political action. You all know how it is reflected in the constitution of this country.

In the United Nations, as set up by the Charter, you also find the problem of maintaining balance of power between organs which bear resemblance, although but superficially, to the executive, judiciary and legislature of a government. Instead of a parliament we have the General Assembly. In place of the judiciary, the International Court of Justice. In place of the executive, the three Councils and the Secretariat under the Secretary-General. There is a resemblance between this system and a national constitution -- for example, of this country -- but there are also fundamental differences. The General Assembly is not a legislature. It cannot pass laws binding on its members. The international judiciary is likewise limited in its competence to a far greater degree than a national judiciary, and we find equally strict and significant limitations circumscribing the authority of the executive organs.

The explanation of these restrictions is, of course, that the United Nations is an organization for cooperation between sovereign states. This reserves for them the basic rights of sovereign states, which are normally exercised by the chief organs of a nation. Thus, the United Nations permits binding decisions only in a few cases, and under conditions which today are not likely to be fulfilled.

I have reminded you of these elementary facts because they provide the framework inside which we in the United Nations Secretariat have to work for the purposes common to all Member nations.

It has rightly been said that the United Nations is what the Member nations make it. But it may likewise be said that, within the limits set by government action and government cooperation, much depends on what the Secretariat makes it. That is our pride in the Secretariat and that is the challenge we have to face.

I have already compared the silent Secretariat activities inside the Organization with the pulsation of the blood-stream inside the living body. The first and fundamental function of the Secretariat is to service the Governments as Members of the General Assembly, of the Councils and of the committees and commissions which are set up by those organs. That is an unspectacular, but vital work, like the carrying of nourishment through all the tissues of the body. The Members of the Secretariat may feel -- to make another comparison -- that they are wheels in a big machine with which all the peoples of the world have to work -- wheels, however, which are not dead mechanical things but set in motion by individual will, and the smooth operation of which must be guaranteed by professional skill and great devotion to the work.

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Because the Secretariat is a living thing -- and its individual members, with their own convictions and hopes, their own idealism, are independent of orders from any government -- it is, however, something more than a ticking mechanism. It has creative capacity. It can introduce new ideas. It can in proper forms take initiatives. It can put before the Member Governments new findings which will influence their actions. Thus, the Secretariat in its independence represents an organ not only necessary for the life and proper functioning of the body, but of importance also for its growth.

It is natural that in the close contact between the Secretariat and the Member governments, which develops in the daily work, and with the opportunity given to the Secretariat to provide information and ideas, the Secretary-General can to some extent exert influence on the frame within which it is his duty to accept responsibility for a sound development of the United Nations. He and the Secretariat can do so, without pleading its case, by creating confidence in its truly international spirit, in its loyalty and its judgment.

In a certain sense the Secretariat represents the United Nations and the ideals of the Organization in relation to nations within or outside it. The Charter requires of the Secretariat that it should act without taking or seeking advice from Member Governments. It follows that the assistance that the Secretariat can give must be inspired only by the principles and aims of the Organization, independent of the special interests of any individual Members. This duty to represent the collective ideal is a heavy responsibility, but also an essential one if the Organization is to function vitally. It has found its recognition in the Charter in the well-known provision which entitles the Secretary-General to take initiative in the Security Council when he considers that peace and security are seriously threatened.

Even this last function of the Secretariat -- and by necessity especially of the Secretary-General personally -- is and should be unspectacular. The very rules of the game, and the specific position of the Secretariat inside the system, force the Secretariat in its activities as representative of the Organization as a whole to apply what is now often called quiet diplomacy. Such an activity, in fact, comes very close to that of a Foreign Office, working along classical lines as a servant of the Government and of the people -- with a discretion and integrity rendered necessary by the fact that none of the interests it is there to safeguard and none of the confidences that it may be privileged to enjoy, is its own property but something entrusted to it by its master, the people.

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In the General Assembly, as well as in the Councils, open debate is the rule. The public and the press are admitted to practically all meetings and are able to follow the development of arguments, the evolution of conflicts and the arrival at solutions. The debates cover a ground which in earlier times was mostly reserved for negotiation behind closed doors. They have introduced a new instrument of negotiation, that of conference diplomacy. This instrument has many advantages. It can serve to form public opinion. It can subject national policies and proposals to the sharp tests of world-wide appraisal, thus revealing the strength, or weakness of a cause that might otherwise have remained hidden. It can activate the sound instincts of the common man in favour of righteous causes. It can educate and guide. But it has, also, weaknesses. There is the temptation to play to the gallery at the expense of solid construction. And there is the risk that positions once taken publicly become frozen, making compromise more difficult.

Thus we find introduced in conference diplomacy an aspect of propaganda and an element of rigidity which may be harmful to sound negotiation. Under these circumstances it is natural, and it has been increasingly felt, that the balance to be struck within the United Nations between conference diplomacy and quiet diplomacy -- whether directly between representatives of Member Governments or in contacts between the Secretary-General and Member Governments -- has to be carefully measured and maintained. This balance should obviously be established in such a way as to render the Organization as valuable an instrument as possible for the achievement of progress towards peace. It is my feeling that there now is a broader recognition than before of the value of quiet diplomacy within the framework of the Organization as a complement to the conference diplomacy of the public debates. My belief is that a further development in that direction is warranted and would in no way reduce the value of conference diplomacy.

It is a fact, sometimes overlooked, that within the framework of the Charter, as within the framework of a national constitution, infinite variation of practice is possible, and that new and useful forms of operation may come into being which, although entirely consonant with its philosophy, were not written out in the constitution. The United Nations is still at a very early stage in that development of constitutional life inside the framework of the written word which we regard as normal in the life of nations. It is my hope that, by methods of trial and error, cautious but firm progress can be made inside the United Nations in the development of new forms of contact, new methods of deliberation, new techniques for reconciliation.

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The Charter prescribes certain forms for settlement of disputes in and by the organs of the United Nations. When those organs are used, the prescribed forms should, of course, be observed. But half-way between the formal procedures of the organs established in the Charter and the methods of quiet diplomacy that may be employed by Member nations and the Secretariat there are many possibilities so far untried. Several great problems have been discussed outside the Organization and in forms other than those foreseen in the Charter. With only slight adjustments of the conventional mould, in ways that are appropriate, such discussions could often be fitted into the general framework of the United Nations, thus adding to the strength and prestige of the Organization, as well as drawing strength and prestige from it. Let us hope that such possibilities will be explored with confidence and with imagination and in full recognition of the need to give the United Nations a chance to develop its potentialities to the full.

So far I have -- to use the general constitutional terminology -- looked at the work of the United Nations from the angle of the executive and legislative organs. When I now turn to the judiciary, today represented here by President Hackworth of the International Court of Justice, I wish to emphasize that my mentioning of the judiciary last does not in any way imply that it is of lesser importance than the other organs. On the contrary, I feel that the United Nations will never grow and prosper in the way we hope for, unless the central role of the judiciary comes to be recognized in the international sphere as fully as it is in national life.

Between sovereign nations conflicts arise to a large extent in a political context. But the substance of the disputes is also often in fact a question of law. While it is natural that the conflicts tend to be treated in forms adequate to political problems, it is also true that they could be resolved on a basis of law much more frequently than is now the case. If the position of the judiciary inside the international constitutional system so far is weak, in practice, this may be explained primarily by the fact that it often seems most safe for a sovereign state to tackle a problem as a matter for political reconciliation. The system of international law is still fairly undeveloped and there are wide margins of uncertainty. Why, one may ask, run the risk of a possibly less favourable outcome reached on the basis of law instead of a more advantageous one that might be achieved by skillful negotiation and under the pressure of political arguments. Why? Is not the reason obvious? First of all, is it not in the interest of sound development to restrict as much as possible the arena

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where strength is an argument and to put as much as possible under the rule of law? But there is a further consideration. If we regret the undeveloped state of international law, should we not use all possibilities to develop an international common law by submitting our conflicts to jurisdiction wherever that is possible? I apologize for having gone into these matters, so ably and with such competence covered here by Judge MacKworth. I have done so only because it appears to me on the basis of daily experience that the world of order and justice for which we are striving will never be ours unless we are willing to give it the broadest possible and the firmest possible foundation in law.

Summing up what I have said you will see that our experience in the Secretariat has led us to believe that we should try to give a wider scope to quiet diplomacy -- which in practice means that we should rely more heavily on unspectacular negotiation and on the service of the executive organs than we have done so far -- and, further, that we should attempt to give our judiciary a stronger position inside the international constitutional system.

My starting point was the constitution set up by the Charter and its development in practice as a guide for the daily work of the Secretariat. I have told you how we in the Secretariat dream that one could improve the working of the Organization we serve, which to us is very precious. However, whatever changes in the balance between the main constitutional organs may take place, the Secretariat will be happy in its role. It is for us a privilege to serve the community of nations. We do not ask for wider powers, but we are ready to accept fully all the responsibilities that the Member Governments may entrust to us. We are willing to risk our personal peace and security and welfare if this can help world peace, world security and world welfare.

The motto of one of the old ruling houses in Europe was: "I serve." This must be the guiding principle, and also the inspiration and the challenge, for all those who have to carry the responsibility of office for any community. Is it not natural that this motto should be felt with special faith, sincerity and loyalty by those who assist in the greatest venture in international cooperation on which mankind has ever embarked?

At the induction in my present office I quoted these lines by a Swedish poet: "The greatest prayer of man is not for victory, but for peace." Let this be the end of my words today also.